

FREQUENTLY ASKED QUESTIONS:

STATE BOARD APPEALS OFFICE

What decisions can I appeal to the State Board of Education?

The State Board of Education has the authority to hear appeals of determinations made by the Commissioner of Education, decisions made by the School Ethics Commission finding that the School Ethics Act has been violated, and decisions made by the State Board of Examiners to suspend or revoke an individual's certification.

How much time do I have to appeal?

You must file your appeal within 30 days of the filing date of the decision from which you are appealing. The filing date of a decision is three days after the date the decision was mailed to the parties.

How do I file an appeal to the State Board?

To file an appeal to the State Board, you must send a notice of appeal to the Legal Committee of the State Board of Education, 100 River View Plaza, P.O. Box 500, Trenton, New Jersey 08625-0500. You must also send a copy of your notice to the Commissioner, the School Ethics Commission, or the State Board of Examiners, depending on the decision you are appealing, and you must send a copy to all of the parties to the matter. It is advisable to send all copies by certified mail, return receipt requested.

What must I include in my notice of appeal?

Your notice of appeal must clearly indicate which decision you are appealing. It also must include your name and address or that of your attorney if you are represented and the names of all of the other parties to the matter. The notice of appeal must be signed by the attorney of record if you are represented. If you are not represented by an attorney, you must sign the notice.

A copy of the decision that you are appealing must be attached to the notice of appeal. The notice of appeal also must be accompanied by a proof of service showing that all of the parties to the matter have been sent a copy of the notice. Proof of service may be shown by an

acknowledgement of service signed by the other party or his attorney, your affidavit or a certified mail receipt, or a certificate of service signed by your attorney.

You should also include proof of when you mailed your notice of appeal. If you include a proof of when the notice was mailed, it will be considered to be filed on that date. Proof of when you mailed the notice may be provided by your affidavit or a certified mail receipt, or a certificate of mailing signed by your attorney. If you do not include a proof of mailing, the notice will be considered to be filed three days before it was received. If the notice is hand delivered, it will be considered to be filed when it is received.

How many copies of my notice of appeal must I send to the State Board?

You must send the original of the notice to the State Board, but do not need to send any additional copies.

What must I do after I file a notice of appeal?

You are required to file a brief in support of your appeal within twenty days of when you file your notice. Your appeal brief must be accompanied by a copy of the decision from which you are appealing. The other parties to the appeal then have twenty days in which to file an answer brief. You may file a reply brief if you do so within ten days.

How many copies of my briefs must I submit to the State Board?

You must submit an original and seventeen copies of all briefs and any other documents that you file with the State Board. Each copy of your appeal brief must include a copy of the decision from which you are appealing. In addition to the copies that you send to the State Board, you must provide all of the other parties with a copy of any brief or other document that you file with the State Board.

Where can I obtain additional information about the appeals process?

Additional information may be obtained from the State Board's regulations at N.J.A.C. 6A:4-1 et seq. or by contacting the State Board Appeals Office at (609) 292-8361.